professional services is held in *Jordahl* v. *Berry* (Minn.), 45 L. R. A. 541, to constitute no bar to an action by the patient against the physician for malpractice in the performance of the services. With this case there is a review of the other authorities on recovery by physician as bar to action for malpractice.

PUBLIC CORPORATIONS—POWER OF LEGISLATURE OVER.—The provision of a charter of a public corporation created for public purposes, such as that of education, whereby fees, forfeitures, and penalties accruing to a certain county are granted to the corporation, is held, in *Watson Seminary* v. *County Court of Pike County* (Mo.) 45 L. R. A. 675, not to constitute a contract, within the constitutional protection, but to be subject to change at the will of the legislature.

CONSTITUTIONAL LAW—RIGHT OF ACCUSED TO BE CONFRONTED BY WITNESS. The right of an accused to be confronted with the witnesses against him is held, in *State* v. *Mannion* (Utah), 45 L. R. A. 638, to be violated by ordering him to be placed twenty-four feet away from the prosecuting witness, where he could not see or hear the witness or see the jury, although this was done to protect the witness, who was a small girl, from being intimidated by him. See 5 Va. Law Reg. 48.

STATUTE OF LIMITATIONS—REPEAL—VESTED RIGHTS.—A statute reviving a barred remedy so as to impair a title to property which has vested under the statute of limitations is held, in *McEldowney* v. *Wyatt* (W. Va.), 45 L. R. A. 609, to be unconstitutional, as a deprivation of property without due process of law; but it is held otherwise with the revival of a cause of action which does not affect any vested right of property. With this case there is a note discussing the other authorities on the question of vested right in defense of statute of limitations. See 4 Va. Law Reg. 330.

MASTER AND SERVANT—FELLOW-SERVANTS—GRADATION OF SERVICE.—In *New England R. Co.* v. *Conroy*, 20 Sup. Ct. 85, the Supreme Court of the United States, in an elaborate review of the authorities, State and Federal, again repudiates the doctrine of *Chicago etc R. Co.* v. *Ross*, 112 U. S. 377, and affirms the rule laid down in *Baltimore & Ohio R. Co.* v. *Baugh*, 149 U. S. 368, and numerous subsequent cases, that the mere superiority in grade of one servant over another does not render the superior a vice-principal, so as to cast upon the master a liability to the inferior servant for injuries caused by the negligence of the superior. Hence, the court holds that a railroad company is not responsible to a brakeman injured by the negligence of the conducto , on the same train, in not giving proper orders, or, in other words, that the conductor and brakeman, in matters of mere operation, are fellow-servants.

This decision will probably result in finally relegating the *Ross Case* to oblivion, save as a matter of history.

The Virginia court is in full accord with the Supreme Court on this question. *McDonald* v. *N. & W. R. Co.*, 95 Va. 98; *Moore Lime Co.* v. *Richardson*, 95 Va. 326; *N. & W. R. Co.* v. *Houchins*, 95 Va. 398; *Eckles* v. *N. & W. R. Co.*, 96 Va. 69; *Russell Creek Coal Co.* v. *Wells*, 96 Va. 416.